



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

August 31, 2016

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

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In Reply Refer to:

EPA File No. 07R-15-R6

Mr. Pete Newkirk, Director
City of Baton Rouge
Department of Public Works
Post Office Box 1471
Baton Rouge, Louisiana 70821

Re: Rejection of Administrative Complaint

Dear Director Newkirk:

The U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) received a complaint on February 25, 2016, alleging that the City of Baton Rouge continues to violate Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulation found at 40 C.F.R. Part 7. The OCR cannot accept this complaint for investigation as it does not meet the jurisdictional requirements set out in EPA's nondiscrimination regulation. Accordingly, this case is closed as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulation. First, it must be in writing. 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulation (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

After careful review, OCR cannot accept the allegations for investigation because the OCR has concluded that the complaint does not articulate an alleged discriminatory act that, if true, would violate the EPA's nondiscrimination regulation. The complainant described residents adjacent to the North Wastewater Treatment Plant (NWWTP) as suffering due to sewage line construction near the NWWTP, which they claimed was

being conducted in order to expand the NWWTP, so that it may receive waste from Zachary, Louisiana. The complainant also described that this construction created negative conditions and health problems. It is noted that these are the same alleged effects that were raised during the permit issuance process.

OCR consulted the City of Baton Rouge and staff in EPA's Region 6 and learned that the construction is related to transmission lines that will provide the infrastructure necessary for the erection of a buffer space between the University Place subdivision and the NWWTP.¹ Further, the complaint failed to describe or identify any new harm or action taken by the City, as opposed to ongoing effects of a prior decision or action, which could be considered a timely discriminatory act. Therefore, the OCR is rejecting and closing this complaint as of the date of this letter.

If you have any questions about this letter, please contact Case Manager Ericka Farrell, at (202) 564-0717, via e-mail at farrell.ericka@epa.gov or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Lilian S. Dorka
Acting Director
Office of Civil Rights

cc: Elise Packard,
Associate General Counsel
Civil Rights and Finance Law Office

Samuel Coleman
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 6

¹ City of Baton Rouge/Parish East Baton Rouge Department of Public Works Consent Decree Fact Sheet, page 1 and 2, October 2009.